

Adam Whitman,	:	
	:	
	:	Civil Action No.: 4:12-cv-03765
Plaintiff,	:	
	:	
v.	:	
	:	
Lifewatch, Inc. a/k/a Lifewatch-USA,	:	REQUEST FOR ENTRY OF DEFAULT
	:	
Defendant.	:	
	:	
	:	

Plaintiff, Adam Whitman (hereinafter “Plaintiff”), by and through his counsel, hereby requests the Clerk of the Court enter a default against Defendant Lifewatch, Inc. a/k/a Lifewatch-USA pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“FRCP”) on the grounds that Defendant has failed to answer this matter’s Complaint and has failed to appear or otherwise defend this action. Aff. Jody B. Burton ¶ 4.

Plaintiff served the Defendant with a summons and complaint on February 1, 2013 as evidenced by the proof of service on file with this Court. *Id.* ¶ 2; (Dkt# 4). The Court has not granted Defendant an extension of time to respond to the Complaint. *Id.* ¶ 3. On information and belief, the Defendant is neither an infant nor an incompetent person nor in the military service. *Id.* ¶¶ 5-6.

DATED: April 22, 2013

Respectfully submitted,

By /s/Jody B. Burton

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 22, 2013 a copy of the foregoing Request for Entry of Default and supporting affidavit was filed with the United States District Court for the Southern District of Texas using the CM/ECF system. Additionally, a copy of such was mailed by first-class mail, postage prepaid to the parties listed below:

Lifewatch, Inc. a/k/a Lifewatch USA
266 Merrick Road, Suite 104
Lynbrook, New York 11563

By /s/Jody B. Burton
Jody B. Burton, Esq.